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2016 AUG -4 PM 4: 54

August 4, 2016

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Federal Election Commission  
Jeff S. Jordan, Assistant General Counsel  
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OFFICE OF GENERAL  
COUNSEL

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FEDERAL ELECTION  
COMMISSION

2016 AUG -5 PM 12: 20

Re: MUR 7081

Dear Mr. Jordan:

We represent Representative Patrick E. Murphy in the above-referenced matter (the "Complaint"). Because the Complaint alleges no facts that, even if true, would amount to a violation of the Federal Election Campaign Act of 1971, as amended, or Federal Election Commission ("FEC" or "Commission") regulations by Representative Murphy, the Commission must find no reason to believe a violation occurred and immediately dismiss the Complaint with respect to Representative Murphy. *See* 11 C.F.R. § 111.4(d)(3).

The Complaint alleges that certain contributions may have been conduit contributions or contributions from foreign nationals. Complaint at 1. In addition to there not being any actual evidence to support these claims, all of the contributions at issue were made to Floridians for a Strong Middle Class, an unauthorized, independent-expenditure only committee and not to Representative Murphy or his authorized campaign committee. *See* Complaint at 2-5. While the Complaint makes passing references to contributions made by Nicholas Mastroianni and his immediate family to Representative Murphy's authorized campaign committee and leadership PAC, the Complaint does not in any way allege that these contributions were contributions in the name of another or contributions from a foreign national and Representative Murphy has no reason to believe that they were. *See* Complaint at 2-3. Moreover, the Complaint does not allege any involvement on the part of Representative Murphy with the contributions to Floridians for a Strong Middle Class in any way. Accordingly, all of the allegations in the Complaint concern contributions that were made without any involvement of Representative Murphy to an unauthorized political committee for which he has no responsibility. There is no actual allegation that Representative Murphy violated any campaign finance law.

Lastly, the naked speculation that Representative Murphy may have engaged in any official action in exchange for a political contribution to any entity is entirely false and without basis in fact, and the Complaint presents no evidence to the contrary.

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Pursuant to the above, the FEC must dismiss this Complaint with respect to Representative Murphy under the standards it has established for evaluating allegations. A complaint must "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction." 11 C.F.R. § 111.4(d)(3). This Complaint does not meet that standard. Where an evidentiary showing fails to provide "a sufficiently specific allegation [] so as to warrant a focused investigation that can prove or disprove the charge," the complaint must be dismissed. *See* Statement of Reasons, Matter Under Review 4960 (Dec. 21, 2000). Similarly, unwarranted legal conclusions and mere speculation should not be credited. *Statement of Reasons, Matter Under Review 5141 (Apr. 17, 2002).* As the Complaint fails to provide a specific allegation with respect to Representative Murphy and consists of mere speculation and unsubstantiated legal conclusions, the Commission should, as it has in the past when faced with similar claims, conclude that "the complaint does not meet the threshold for finding reason to believe" any violation occurred. *First General Counsel's Report, Matter Under Review 5304 (Jan. 21, 2004) at 9.*

We respectfully request the Commission promptly find no reason to believe any violation occurred, dismiss the matter and close the file with respect to Representative Murphy.

We appreciate the Commission's consideration of this response.

Very truly yours,



Graham M. Wilson

Jacquelyn K. Lopez

David J. Lazarus

Counsel to Patrick E. Murphy